

HOUSE BILL 61

Unofficial Copy
D4

2000 Regular Session
0lr0336

(PRE-FILED)

By: **Delegates Leopold, Kopp, Cadden, Valderrama, Greenip, Love, and Rosso**

Requested: July 21, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Adoption and Guardianship - Revocation of Consent**

3 FOR the purpose of altering the time period within which an individual or child
4 placement agency may revoke consent to an adoption; altering the time period
5 within which a natural parent may revoke consent to a guardianship; and
6 generally relating to adoption and guardianship.

7 BY repealing and reenacting, with amendments,
8 Article - Family Law
9 Section 5-311 and 5-317
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Family Law**

15 5-311.

16 (a) Unless the natural parents' rights have been terminated by a judicial
17 proceeding, an individual may not be adopted without the consent of:

18 (1) the natural mother;

19 (2) the natural father; and

20 (3) the individual, if the individual is at least 10 years old.

21 (b) (1) If the natural parents' rights have been terminated by a judicial
22 proceeding, an individual may not be adopted without the consent of:

23 (i) the executive head of the child placement agency that has been
24 awarded guardianship of the individual; and

1 (ii) the individual, if the individual is at least 10 years old.

2 (2) The executive head of the child placement agency may not withhold
3 consent for the sole reason that the race or religion of the prospective adoptive
4 parents is different from that of the individual to be adopted or of the birth parents,
5 where to do so would be contrary to the best interests of the child.

6 (c) (1) Except as provided in paragraph (2) of this subsection, within [30] 15
7 calendar days after the required consent to an adoption is signed, the individual or
8 agency executing the consent may revoke the consent.

9 (2) An individual to be adopted may revoke the individual's consent at
10 any time before a final decree of adoption or an interlocutory decree of adoption is
11 entered.

12 (3) Except as provided in paragraphs (1) and (2) of this subsection, the
13 required consent to an adoption filed under this section may not be revoked at any
14 time by the individual or agency executing the consent.

15 5-317.

16 (a) A petition for a decree of adoption may be preceded by a petition for
17 guardianship of the child.

18 (b) Only the executive head of a child placement agency or the attorney for the
19 child on behalf of the child may file a petition for the agency to be granted
20 guardianship.

21 (c) Except as provided in §§ 5-313 and 5-313.1 of this subtitle, the court may
22 grant a decree awarding guardianship only:

23 (1) after any investigation and hearing the court considers necessary;
24 and

25 (2) with the consent of each living natural parent of the child.

26 (d) Within 180 days after a petition for guardianship or petition for adoption is
27 filed under § 5-313 of this subtitle, the court shall rule on the petition.

28 (e) In a proceeding for guardianship, consent may be revoked at any time
29 within [30] 15 days after the consent is signed.

30 (f) A decree of guardianship:

31 (1) terminates the natural parents' rights, duties, and obligations toward
32 the child;

33 (2) subject to § 5-319 of this subtitle, eliminates the need to give notice
34 to the natural parents of the filing of a petition for adoption of the child;

1 (3) eliminates the need for a further consent by the natural parents to an
2 adoption of the child; and

3 (4) subject to § 5-319 of this subtitle, authorizes the child placement
4 agency to consent to joint guardianship, custody, or other long-term placement that
5 the agency determines to be in the child's best interest.

6 (g) (1) After any investigation and hearing the court considers necessary,
7 the court may grant a decree awarding joint guardianship, custody, or other
8 long-term placement that the court determines to be in the child's best interest.

9 (2) If joint guardianship is awarded to a caregiver, the child placement
10 agency shall retain guardianship with the right to consent to adoption or long-term
11 care short of adoption.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.